

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Vernon Lewis Langley And Dora Langley

Social Security No. xxx-xx-2383 and xxx-xx-8802
Address: 5037 Wayne Street, Durham NC 27713-

Case No. 11-80182
Chapter 13

Debtors

**ORDER AVOIDING JUDICIAL LIEN OF JAMES WILFONG AND MARIA HERRERA
PURSUANT TO 11 U.S.C. § 522(f)**

THIS CHAPTER 13 CASE is before the Court for consideration of a motion filed by the Debtors to avoid a judicial lien pursuant to U.S.C. § 522(f) of the Bankruptcy Code; and having considered the motion and the other matters of record in this case, the Court finds and concludes as follows:

1. That after due notice of the Motion to Avoid Judicial Lien to all parties in interest, the time for objecting to the relief requested has expired without any objections being, filed; and
2. The Debtors are now, and have been at all times since this case was filed, the owners of real property (hereinafter "said property") now or formerly known as 5037 Wayne Street Durham NC 27713 located in the County of Durham
3. That said real property had a value of \$317,262.00, as of the date this bankruptcy case was filed; and
4. That as of the date this case was filed, said property was the residence of the Debtors, and the Debtors have claimed and were entitled to claim an exemption in said property pursuant to N.C.G.S. § 1C-1601(a)(1) of not more than \$70,000.00; and
5. That James Wilfong and Maria Herrera holds a judicial lien recorded in the Durham County, as referenced in file number 09CVD6656, in the amount of approximately \$230,000.00, plus interest at the rate of 8.00 percent per annum. That, upon information and belief, the balance owing to said creditor concerning said judicial lien, together with interest, as of the date this case was filed, was approximately \$230,000.00; and
6. That said judicial lien constitutes a lien upon said real property; and
7. That, as of the date this case was filed, the only other liens against the property recorded in Durham County were the following:

Name of Creditor Holding Lien	Type of Lien	Payoff Amount of Lien
Loan Care Servicing	Deed of Trust	\$327,000.00
Total Amount of Other Liens:		\$327,000.00

8. That since the sum of the amount of the said judicial lien held by JAMES WILFONG AND MARIA HERRERA, the total amount of all other said liens on the said real property, and the amount of the exemption that the Debtors were entitled to claim if there were no liens on the property, exceeds the value of the real property (or, in the event that the Debtors own less than a 100% interest in said real property, the value of the Debtors' interest in said property) by \$309,738.00, the said judicial lien impairs an exemption of the Debtors; and
9. That, therefore, pursuant to U.S.C. § 522(f)(2)(A), the judicial lien is avoidable to the full extent of said judicial lien.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That said judicial lien held by JAMES WILFONG AND MARIA HERRERA, recorded in the Durham County, as referenced in file number 09CVD6656, is hereby avoided to the full extent of said judicial lien as to said real property and that said judgment shall have no further force or effect as to said real property; and
2. Furthermore, upon this Court entering an Order of discharge of the Debtors, said judicial lien shall be deemed cancelled-of-record in its entirety, and by virtue of such avoidance, said judicial lien is reduced to \$0.00; and
3. That, at such time, , in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Durham , North Carolina, may record in the office of said Register of Deeds a copy of this order avoiding said judicial lien, together with a copy of the discharge order issued in this bankruptcy case , upon being presented with certified copies thereof..

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Address: 5037 Wayne Street, Durham NC 27713-

Debtors

Debtor Names: Vernon Lewis Langley Dora Langley	Case No: 11-80182
List Of Parties To Be Served With The Order Avoiding Judicial Lien:	
Richard M. Hutson, II Chapter 13 Trustee (by electronic noticing)	John T. Orcutt Attorney for Debtors (by electronic noticing)
JAMES WILFONG AND MARIA HERRERA Attn: Managing Agent C/O Attorney Robert R. Chambers 3100 Tower Blvd. Ste 1313 Durham, NC 27707-	U.S. Bankruptcy Administrator (by electronic noticing)
Vernon Lewis Langley And Dora Langley 5037 Wayne Street, Durham NC 27713-	